

WA/WD PTS-
NoActionDrug
(01/19)

UNITED STATES DISTRICT COURT

for

Western District of Washington

Report on Defendant Under Pretrial Services Supervision

Date of Report: 01/23/2020

Name of Defendant: Michael Scott

Case Number: 3:18CR05579RBL-024

Name of Judicial Officer: The Honorable Ronald B. Leighton, United States District Judge

Original Offense: Conspiracy to Distribute Controlled Substances

Date Supervision Commenced: 12/12/2018

Bond Conditions Imposed:

- Submit to drug and alcohol testing, to include urinalysis, breathalyzer, or hand-held testing devices, as directed by Pretrial Services. You shall not use, consume, or possess alcohol, any product containing alcohol, or other intoxicants, including medication, unless prescribed to you by a physician and under the direction of Pretrial Services. Obtain an alcohol/substance abuse evaluation and follow any treatment recommendations as directed by Pretrial Services. You shall participate as directed in a program approved by the probation and pretrial services office for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if the defendant has reverted to the use of drugs or alcohol.
- Travel is restricted to Western District of Washington, or as directed by Pretrial Services.
- The defendant shall comply with alcohol testing, using an alcohol testing device, as directed by the location monitoring specialist. The defendant shall comply with all program requirements and must contribute towards the costs of the services, to the extent they are financially able to do so, as determined by the location monitoring specialist.
- Surrender all current and expired passports and travel documents to the court. Do not apply for/obtain a new passport or travel document from any country without permission of the court. If the surrendered passport is a foreign passport, it shall be forwarded to Immigration and Customs Enforcement if defendant is convicted of an offense, unless otherwise ordered by the Court.
- Undergo a mental health, psychiatric or psychological evaluation and follow all treatment recommendations in that evaluation, as directed by Pretrial Services. You shall take all medications as prescribed.
- Provide Pretrial Services with any requested information regarding your financial status, income sources, and investments. Sign a Release of Information form for Credit Bureau Verification if requested by Pretrial Services.
- You must contribute towards the costs of the services required by this bond, to the extent you are financially able to do so, as determined by Pretrial Services.
- You shall not have direct contact or indirect contact with any existing and/or future co-defendant(s) in this case.

The Honorable Ronald B. Leighton, United States District Judge
Report on Defendant Under Pretrial Services Supervision

Page 2
1/23/2020

- You shall not have direct contact or indirect contact with any existing and/or future witnesses in this case.
- The defendant shall participate in the location monitoring program with Active Global Positioning Satellite technology. The defendant shall comply with a curfew as directed by the location monitoring specialist. The defendant shall abide by all program requirements, and must contribute towards the costs of the services, to the extent financially able, as determined by the location monitoring specialist. **The location monitoring specialist will coordinate the defendant's release with the U.S. Marshals. [Removed: 6/7/2019]; [Added 7/22/2019]**
- The defendant shall participate in the location monitoring program with Active Global Positioning Satellite technology. The defendant will be monitored by Active Global Positioning Satellite technology which shall be utilized for purposes of verifying compliance with any court-imposed condition of supervision. The defendant shall abide by all program requirements, and must contribute towards the costs of the services, to the extent financially able, as determined by the location monitoring specialist. **[Added 6/7/2019]; [Removed 7/22/2019]**

NONCOMPLIANCE SUMMARY

The defendant has not complied with the following conditions of supervision:

- Submit to drug and alcohol testing, to include urinalysis, breathalyzer, or hand-held testing devices, as directed by Pretrial Services. You shall not use, consume, or possess alcohol, any product containing alcohol, or other intoxicants, including medication, unless prescribed to you by a physician and under the direction of Pretrial Services. Obtain an alcohol/substance abuse evaluation and follow any treatment recommendations as directed by Pretrial Services. You shall participate as directed in a program approved by the probation and pretrial services office for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if the defendant has reverted to the use of drugs or alcohol.

Nature of Noncompliance

1. The defendant violated the bond condition to not use, consume or possess any controlled substances, unless the substance is prescribed by a physician, by using methamphetamine on or about December 27, 2019.

Supporting Evidence: On December 12, 2018, Mr. Scott reported to the probation office for intake. At that time, he reported a history of alcohol and cocaine abuse. In March 2019, he participated in a substance abuse evaluation at the Veterans Administration (VA) and has since been actively engaged in substance abuse treatment and mental health counseling.

Unfortunately, Mr. Scott continues to struggle with his substance abuse issues. He tested positive for alcohol in March 2019 and again in July 2019. He also tested positive for cocaine in July 2019. These violations were addressed through increased drug testing and a return to location monitoring (curfew component).

The Honorable Ronald B. Leighton, United States District Judge
Report on Defendant Under Pretrial Services Supervision

Page 3
1/23/2020

The current violation noted above occurred just after Christmas in 2019, and during a difficult period of his life. When I contacted Mr. Scott to discuss his amphetamine use, he indicated the holidays were a very difficult time for him because it was the last Christmas he would spend with his kids for a while. He stated he was extremely depressed and found what he believed to be an Adderall tablet in his "pill box." Mr. Scott indicated he had hoped the medication would help with his depression. He stated the prescription is several years old and he does not have the original pill bottle. He was instructed to dispose of all expired medication or medication without an original pill bottle.

Later, Mr. Scott's positive drug test confirmed positive for methamphetamine, not just amphetamine as previously thought. I contacted him again and he denied knowingly using methamphetamine. He stated he must have taken a previously-prescribed medication other than Adderall. Mr. Scott claimed that in approximately 2013 he used an online physician to obtain prescription medications for a testosterone treatment plan. He claimed the plan included various medications and injections, including Desoxyn. According to the United States Probation drug technician, this medication is one of four which contains methamphetamine. It is primarily used to treat attention deficit disorder and obesity. Mr. Scott provided me with typed instructions for his testosterone plan, which listed Desoxyn, but it was not on letterhead, nor was it signed by physician. He was also unable to provide a copy of the prescription or the original prescription bottle. At this time, I cannot verify this medication was ever actually prescribed to Mr. Scott. Regardless, Mr. Scott tested positive for methamphetamine, without a valid prescription.

The defendant notified his substance abuse treatment provider and his psychiatrist of this violation. His antidepressant medication has since been increased and he continues to participate in substance abuse treatment and mental health counseling.

In response to this violation, Mr. Scott was reprimanded and his frequency of drug testing was increased. His last urinalysis test, on January 9, 2020, was negative for controlled substances. Should there be any indication of additional drug use, the Court will be notified accordingly.

Of Note, Mr. Scott is scheduled to appear before Your Honor for sentencing on January 24, 2020.

This is the fourth positive result since release to supervision.

I have reviewed the matter and taken the following action:

- ☒ Reprimand
- ☒ Increased frequency of testing
- ☒ Continued participation in substance abuse treatment and mental health counseling

I have notified the Assistant United States Attorney and she concurs with the recommendation. I have notified defense counsel of the violation, but I have not received a response.

I respectfully recommend that the Court endorse the actions taken at this time.

The Honorable Ronald B. Leighton, United States District Judge
Report on Defendant Under Pretrial Services Supervision

Page 4
1/23/2020

I swear under penalty of perjury that the
foregoing is true and correct.

Executed on this 23rd day of January, 2020.



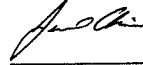
Lisa L. Combs
United States Probation Officer

APPROVED:

Connie Smith

Chief United States Probation and Pretrial Services Officer

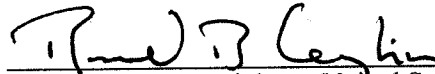
BY:



Jerrod F. Akins
Supervising United States Probation Officer

THE COURT FINDS PROBABLE CAUSE AND DIRECTS:

- ☒ Judicial Officer endorses the United States Probation Officer's actions
☐ Issue a Summons
☐ Issue a Warrant
☐ Other



Ronald B. Leighton, United States District Judge

January 23, 2020

Date